

### **REMARKS**

This responds to the Office Action mailed on June 20, 2005.

Claims 1, 4, 5, 7, 12, and 18 are amended, no claims are canceled, and no claims are added; as a result, claims 1, 2, 4, 5, 7-23 and 25-27 are now pending in this application.

#### **§103 Rejection of the Claims**

Claims 1, 2, 4, 5, 7-23 and 25-27 were rejected under 35 USC § 103(a) as being unpatentable over Silver's Unified Network Presence Management White Paper and further in view of Forssen et al. (U.S. 6,031,490) and Smyth et al. (U.S. 6,347,224).

The Office Action states that hotspots are well known in the art [prior to the time the present invention was made] without the citation of any prior art. The Applicants respectfully traverse this statement without the support of the prior art.

Further, the Applicants note that there are substantial differences in the generic sense of a hotspot BTS (base station transceiver) for which the Office Action cites Smyth and a hotspot-access point of the present disclosure. A base station transceiver is a complex equipment supplied by a telephone operating company; while, a "hotspot-access point" is a small computer type remote receiver/transmitter which may wirelessly connect to a base station transceiver. These are two very distinct items.

The Applicants have clarified their base claims to indicate "a hotspot-access point" similar to the small, simple computer type device is claimed. Accordingly, the Applicants believe that the 35 USC 103 rejection is overcome, since the "hotspot-access point" is not a base station transceiver (BTS).

Next, the motivation to include the hotspot BTS of Smyth is not believed sufficient since the motivation must come from the prior art and not a suggestion of the subject disclosure. The cited art does not propose the substitution. Further a reasonable expectation of success must come from the prior art. No motivation is stated in the Office Action or the prior art. A BTS even a hotspot BTS is an expensive and complex device. The expense of such hotspot BTS would be prohibitive to be used in a small business or coffee shop, such as Starbucks, etc. This would both teach away from making such a combination and render any expectation of success

remote or non-existent. According, the Office Action did not make a proper prima facie case for obviousness.

Lastly, assuming the substitution is made, the Applicants' claimed invention does not result. Since as mentioned above the hotspot BTS is dramatically different from a hotspot-access point. Accordingly, the Applicants believe that the claims define over the 35 USC 103 rejection.

The Applicants respectfully request removal of this 35 USC 103 rejection. The dependant claims are believed allowable by virtue of their dependence on an allowable base claim.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Frank Bogacz, at 480-361-7740 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22nd day of August 2005.

John N. Gustaf-Wrathall

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